

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

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|-----------------------|---|--------------|
| THOMAS CAPPELLO | : | CIVIL ACTION |
| | : | |
| v. | : | |
| | : | |
| JAMES HEIDECKER, ESQ. | : | NO. 02-4518 |

ORDER

AND NOW, this day of September, 2002, the
Court finding that:

(a) By Order dated August 19, 2002, this Court informed plaintiff, an inmate at the Lehigh County prison, that in accordance with the Prison Litigation Reform Act of 1995, a prisoner bringing a civil action must pay the full amount of the \$150 filing fee;

(b) Based upon the financial information that plaintiff submitted to the Court, he was assessed an initial partial filing fee of \$8.51. He was also advised that after the initial partial filing fee is collected and forwarded to the Clerk, the Warden or other appropriate official at any prison at which plaintiff may be incarcerated will be directed to deduct from plaintiff's prison account, each time that the balance in plaintiff's inmate trust fund account exceeds \$10, an amount no greater than 20 percent of the money credited to plaintiff's account during the preceding month and forward that amount to the Clerk of Court until the filing fee is paid;

(c) Because plaintiff may not have realized when he brought this civil action that he is required to pay the filing fee, we gave him twenty (20) days to notify the Court whether he

wished to discontinue this civil action;

(d) Plaintiff has informed the Court that he wishes to continue this civil action;

It is therefore ORDERED that:

1. Plaintiff, Thomas Cappello, #76059, shall pay the filing fee of \$150;

2. Plaintiff is assessed an initial partial filing fee of \$8.51. The Warden or other appropriate official at the Lehigh County prison or at any prison at which plaintiff may be incarcerated is directed to deduct \$8.51 from plaintiff's inmate trust fund account, when such funds become available, and forward that amount to be credited to Civil Action No. 02-4518 to the following address:

Clerk of the United States District Court
for the Eastern District of Pennsylvania,
601 Market Street, Room 2609,
Philadelphia, PA 19106

3. The Warden or other appropriate official at the Lehigh County prison or at any prison at which plaintiff may be incarcerated shall, after the initial partial filing fee is collected and until the full filing fee is paid, deduct from plaintiff's account, each time that plaintiff's inmate trust fund account exceeds \$10, an amount no greater than 20 percent of the money credited to his account during the preceding month and forward that amount, to be credited to Civil Action No. 02-4518, to the address provided above in ¶2;

4. The Clerk is directed to forward a copy of this order to the Warden of the Lehigh County prison; and

5. The Clerk shall REOPEN this case statistically.

BY THE COURT:

J. CURTIS JOYNER, J.